

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10291

United States of America

v.

Maurice Dubose

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/6/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 7, 2005.

Sarah A. Thornton, Clerk of Court

By:

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/11/05.

D. Bachard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED

United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10291-RGS-ALL

Case title: USA v. Dubose

Date Filed: 09/22/2004

Assigned to: Judge Richard
G. Stearns

Defendant

Maurice Dubose (1)
TERMINATED: 08/03/2005

represented by **Timothy G. Watkins**
Federal Defender's Office
District of Massachusetts
408 Atlantic Ave.
Third Floor
Suite 328
Boston, MA 02210
617-223-8061
Fax: 617-223-8080
Email:
timothy_watkins@fd.org
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED
Designation: Public Defender
or Community Defender
Appointment

Pending Counts

18:922 (g)(1)-FELON IN
POSSESSION OF FIREARM

Disposition

180 months to be served.
Upon release, deft. shall be
placed on Supervised Release
for 3 years, with Special

AND AMMUNITION
(1)

Conditions set by the Court.
Special Assessment of \$100
to be paid forthwith.

Highest Offense Level
(Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level
(Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Sandra S. Bower**
United States Attorney's
Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3184
Fax: 617-748-3965
Email:
Sandra.Bower@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
09/22/2004	•1	INDICTMENT as to Maurice Dubose (1) count(s) 1, 2. (Diskes, Sheila) (Entered: 09/23/2004)
09/22/2004	•2	Judge Patti B. Saris : ORDER entered ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: PRETRIAL as to Maurice Dubose (Diskes, Sheila) (Entered: 09/23/2004)
09/22/2004	•	Arrest Warrant Issued as to Maurice Dubose. (Diskes, Sheila) (Entered: 09/23/2004)
09/23/2004	•	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Maurice Dubose held on 9/23/2004;AUSA Bower and Federal Defender Watkins for the dft.; Dft. files financial affidavit and requests counsel; USMJ Dein appoints Attorney Watkins; Govt. moves for detention and continuance; USMJ Dein orders the dft. to temporary detention pending hearing before USMJ Alexander on 9/28/04 (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/23/2004)
09/23/2004	•3	CJA 23 Financial Affidavit by Maurice Dubose (Brown, Rex) (Entered: 09/28/2004)
09/28/2004	•4	Judge Joyce London Alexander : ORDER entered Order appointing public defender as to Maurice Dubose : Appointment of Attorney Timothy G. Watkins for Maurice Dubose. (Brown, Rex) Additional attachment(s) added on 9/28/2004 (Brown, Rex). Modified on 11/29/2004 (Brown, Rex). (Entered: 09/28/2004)
09/28/2004	•	Notice of correction to docket made by Court staff. Correction: Entry #4 corrected because: Document contained inaccurate defendant information as to

		Maurice Dubose (Brown, Rex) (Entered: 09/28/2004)
09/28/2004	•	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Arraignment and Detention Hearing as to Maurice Dubose (1) Count 1 held on 9/28/2004; AUSA Bower and Attorney Watkins for the dft.; Dft pleads not guilty and will proceed with automatic discovery; Dft. consents to order of detention at this time reserving his right to request hearing in the future. 1st status conference will be scheduled by USMJ Alexander. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/29/2004)
09/28/2004	•⑤	Judge Judith G. Dein : ORDER entered INITIAL SCHEDULING ORDER as to Maurice Dubose. (Dambrosio, Jolyne) (Entered: 09/29/2004)
09/28/2004	•⑥	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Maurice Dubose. Time excluded from 9/28/04 until 10/26/04. (Dambrosio, Jolyne) (Entered: 09/29/2004)
09/28/2004	•⑦	Judge Judith G. Dein : ORDER entered MEMORANDUM AND ORDER OF DETENTION as to Maurice Dubose. (Dambrosio, Jolyne) (Entered: 09/29/2004)
10/04/2004	•⑧	NOTICE OF HEARING as to Maurice Dubose INITIAL Status Conference set for 11/10/2004 11:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 10/04/2004)
11/10/2004	•	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Initial Status Conference as to Maurice Dubose held on 11/10/2004. Order to issue. Final Status Conference set for 12/21/2004 11:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Court Reporter Pamela Owens.) (Brown, Rex) (Entered:

		11/29/2004)
11/29/2004	•	Notice of correction to docket made by Court staff. Correction: Docket entry #4 corrected because: To clarify that attorney Watkins is federal defender assigned to the case and not CJA counsel as to Maurice Dubose (Brown, Rex) (Entered: 11/29/2004)
11/29/2004	⑨	Judge Joyce London Alexander : ORDER entered REPORT AND ORDER on Initial Status Conference as to Maurice Dubose. Dispositive Motions due by 12/20/2004, with the government's response due two (2) weeks thereafter. Status Conference set for 12/21/2004 11:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 11/29/2004)
12/21/2004	•	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :FINAL Status Conference as to Maurice Dubose held on 12/21/2004. The parties report that no dispositive motions will be filed. the Court ORDERS that the parties file an excludable delay motion and final status conference report. Whereas all pre-trial matters referred to this Court by the District Judge have been resolved, the case is hereby returned to the District Judge. (Tape #Digital Recording.) (Brown, Rex) (Entered: 01/04/2005)
12/22/2004	⑩	Joint MOTION for Excludable Delay from 10-26-04 to 12-21-04 as to Maurice Dubose by USA. (Bower, Sandra) (Entered: 12/22/2004)
12/22/2004	⑪	JOINT SUBMISSION pursuant to Local Rule 116.5 (C) as to Maurice Dubose (Bower, Sandra) (Entered: 12/22/2004)
01/05/2005	•	Judge Joyce London Alexander : Electronic ORDER entered granting <u>10</u> Motion to Exclude as to Maurice Dubose (1) (Brown, Rex) (Entered: 01/07/2005)

01/05/2005	•13	Judge Joyce London Alexander : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Maurice Dubose Time excluded from 10/26/2004 until 12/21/04. (Brown, Rex) (Entered: 01/07/2005)
01/06/2005	•12	NOTICE OF INITIAL PRETRIAL CONFERENCE as to Maurice Dubose. Initial Pretrial Conference set for 1/20/2005 at 3:00 PM in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 01/06/2005)
01/07/2005	•14	Judge Joyce London Alexander : ORDER entered. REPORT AND ORDER on Final Status Conference as to Maurice Dubose (Brown, Rex) (Entered: 01/07/2005)
01/07/2005	•	Judge update in case as to Maurice Dubose. Judge Joyce London Alexander no longer assigned to case. (Brown, Rex) (Entered: 03/08/2005)
01/19/2005	•15	MOTION to Seal as to Maurice Dubose by USA. (Patch, Christine) Modified on 1/25/2005 (Patch, Christine). Additional attachment(s) added on 2/4/2005 (Patch, Christine). Modified on 2/4/2005 (Patch, Christine). (Entered: 01/25/2005)
01/19/2005	•16	Ex Parte MOTION as to Maurice Dubose by USA. (Patch, Christine) (Entered: 01/25/2005)
01/19/2005	•17	MEMORANDUM in Support by USA as to Maurice Dubose re [16] Ex Parte MOTION. (Patch, Christine) (Entered: 01/25/2005)
01/20/2005	•	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Initial Pretrial Conference as to Maurice Dubose held on 1/20/2005. Final Pretrial Conference set for 3/9/2005 at 3:30 PM in Courtroom 19 before Judge Patti B. Saris. Jury Trial set for 3/14/2005 at 9:00 AM in Courtroom 19 before Judge Patti B. Saris. Court excludes time from 1/20/05 to 3/14/05. (Court Reporter Cheryl Dahlstrom.) (Alba, Robert) (Entered: 01/20/2005)

01/24/2005	• 18	Judge Patti B. Saris : ORDER entered. PRETRIAL ORDER as to Maurice Dubose Time excluded from January 20, 2005 until March 14, 2005. Jury Trial set for 3/14/2005 09:00 AM in Courtroom 19 before Judge Patti B. Saris. Final Pretrial Conference set for 3/9/2005 03:30 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 01/27/2005)
01/28/2005	•	Judge Patti B. Saris : Electronic ORDER entered granting <u>15</u> Motion to Seal as to Maurice Dubose (1). "However, this motion shall not be sealed. My rulings shall not be sealed." (Patch, Christine) (Entered: 02/04/2005)
01/28/2005	•	Judge Patti B. Saris : Electronic ORDER entered granting [16] Ex Parte Motion as to Maurice Dubose (1) (Patch, Christine) (Entered: 02/04/2005)
02/01/2005	• 19	MOTION for Speedy Trial and Request that Case Be Redrawn as to Maurice Dubose. (Watkins, Timothy) (Entered: 02/01/2005)
02/01/2005	• 20	Objection as to Maurice Dubose: <u>13</u> Order on Excludable Delay, and Request that the Case be withdrawn. Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 02/03/2005)
02/03/2005	•	Motions terminated as to Maurice Dubose: <u>19</u> MOTION for Speedy Trial and Request that Case Be Redrawn filed by Maurice Dubose,. (Patch, Christine) (Entered: 02/03/2005)
02/03/2005	•	Notice of correction to docket made by Court staff. Correction: Document No. 19 termed corrected because: it was incorrectly filed. Please see Document No. 20 for correct filing. as to Maurice Dubose (Patch, Christine) (Entered: 02/03/2005)
02/09/2005	• 21	NOTICE: this case has been reassigned by random draw to Judge Richard G. Stearns. (Hurley, Virginia) (Entered: 02/09/2005)

02/09/2005	•	Case as to Maurice Dubose reassigned to Judge Richard G. Stearns. Judge Patti B. Saris no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Hurley, Virginia) (Entered: 02/09/2005)
02/11/2005	•22	Judge Richard G. Stearns : Electronic ORDER entered. PRETRIAL ORDER as to Maurice Dubose. Jury Selection set for 3/14/2005 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 3/14/2005 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Voir Dire set for 3/14/2005 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/11/2005)
02/18/2005	•23	MOTION for Clarification re <u>15</u> MOTION to Seal filed by USA,, [16] MOTION for Protective Order filed by USA, as to Maurice Dubose. (Watkins, Timothy) (Entered: 02/18/2005)
02/22/2005	•24	MOTION to Seal ex parte motion for protective order, the court's order and any related paperwork by USA. (Cummings, Mary) (Entered: 02/24/2005)
02/22/2005	•25	United States' Ex Parte, In Camera Motion for Protective Order (Cummings, Mary) (Entered: 02/24/2005)
02/23/2005	•	Judge Patti B. Saris : Electronic ORDER entered re <u>23</u> Motion for Clarification re <u>15</u> MOTION to Seal filed by USA [16] Ex Parte MOTION filed by USA, as to Maurice Dubose (1). "As I remember it, I allowed the government's motions not to disclose certain arrests and/or convictions of certain police witnesses if they were not permissible for impeachment. My rulings are without prejudice to any action Judge Stearns may take." (Patch, Christine) (Entered: 03/02/2005)
02/25/2005	•26	RESPONSE to Motion by USA as to Maurice Dubose

		re <u>23</u> MOTION for Clarification re <u>15</u> MOTION to Seal filed by USA,, [16] MOTION for Protective Order filed by USA, (Bower, Sandra) (Entered: 02/25/2005)
02/28/2005	• <u>27</u>	MOTION to Continue <i>Trial</i> as to Maurice Dubose. (Watkins, Timothy) (Entered: 02/28/2005)
02/28/2005	•	Judge Richard G. Stearns : Endorsed ORDER entered granting <u>24</u> Motion to Seal as to Maurice Dubose (1) (Catino, Theresa) (Entered: 03/09/2005)
02/28/2005	•	Judge Richard G. Stearns : Endorsed ORDER entered granting <u>25</u> Motion for in camera protective order as to Maurice Dubose (1) (Catino, Theresa) (Entered: 03/09/2005)
03/02/2005	•	Judge Richard G. Stearns : Electronic ORDER entered granting <u>27</u> Motion to Continue as to Maurice Dubose (1). "Trial is re-scheduled to MONDAY, APRIL 11, 2005 AT 9:00 A.M. Time is excluded from 2-28-05 to 4-11-05 in the interests of justice". (Johnson, Mary) Modified on 3/3/2005 (Johnson, Mary). (Entered: 03/03/2005)
04/04/2005	• <u>28</u>	PLEA AGREEMENT as to Maurice Dubose (Watkins, Timothy) (Entered: 04/04/2005)
04/05/2005	•	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Change of Plea Hearing as to Maurice Dubose held on 4/5/2005. AUSA Bower present for the Govt. Atty. Watkins present for the defendant. Deft. sworn. After hearing, deft. pleads guilty to Count 1 of the Indictment (with plea agreement), and guilty plea is accepted by the Court. Sentencing is scheduled for June 14, 2005 at 3:00 P.M. Defendant remains in Federal custody. (Court Reporter James Gibbons.) (Johnson, Mary) . (Entered: 04/05/2005)
04/05/2005	•	Electronic Clerk's Notes for proceedings held before

		Judge Richard G. Stearns :Plea entered by Maurice Dubose (1) Guilty Count 1. (Court Reporter James Gibbons.) (Johnson, Mary) (Entered: 04/05/2005)
04/05/2005	•29	Judge Richard G. Stearns : Electronic ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Maurice Dubose : Sentencing Hearing set for 6/14/2005 03:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 04/05/2005)
05/25/2005	•	NOTICE OF RESCHEDULING as to Maurice Dubose: "due to a conflict in the Court's calendar, the June 14 sentencing date is being moved to: WEDNESDAY, JULY 20, 2005 AT 3:45 P.M." Counsel electronically notified. Probation Dept. notified by e-mail. Mary Johnson, Deputy Clerk. (Johnson, Mary) Modified on 5/25/2005 (Johnson, Mary). (Entered: 05/25/2005)
06/10/2005	•	NOTICE OF RESCHEDULING as to Maurice Dubose. "Sentencing is re-scheduled from July 20, 2005 to: Wednesday, July 27, 2005 at 2:30 P.M." (Johnson, Mary) Modified on 6/10/2005 (Johnson, Mary). (Entered: 06/10/2005)
07/05/2005	•30	SENTENCING MEMORANDUM by Maurice Dubose (Watkins, Timothy) (Entered: 07/05/2005)
07/08/2005	•31	MOTION to Order U.S. Marshals to Transport Defendant to View his Brother's Body as to Maurice Dubose. (Conrad, Miriam) (Entered: 07/08/2005)
07/25/2005	•32	RESPONSE TO SENTENCING MEMORANDUM by USA as to Maurice Dubose (Bower, Sandra) (Entered: 07/25/2005)
07/27/2005	•	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Sentencing held on 7/27/2005 for Maurice Dubose (1). Sandra Bower, AUSA, present for the Govt. Timothy Watkins, Esq.,

		present for the deft. Ina Howard-Hogan, USPO, present for the Probation Dept. The Court, after hearing, finds that it has no jurisdiction to invalidate the ACC provision, and therefore finds the deft. to be an ACC and adopts the PSR. Defendant sentenced as follows: Count(s) 1: 180 months to be served. Upon release, deft. shall be placed on Supervised Release for 3 years, with Special Conditions set by the Court. Special Assessment of \$100 to be paid forthwith. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 7/27/2005 (Johnson, Mary). (Entered: 07/27/2005)
08/03/2005	③33	Judge Richard G. Stearns : Electronic ORDER entered. JUDGMENT as to Maurice Dubose (1), Count(s) 1, 180 months to be served. Upon release, deft. shall be placed on Supervised Release for 3 years, with Special Conditions set by the Court. Special Assessment of \$100 to be paid forthwith. (Johnson, Mary) (Entered: 08/03/2005)
08/03/2005	③34	Judge Richard G. Stearns : Electronic ORDER entered. STATEMENT OF REASONS as to Maurice Dubose. (Johnson, Mary) (Entered: 08/03/2005)
08/03/2005	③	Case Terminated as to Maurice Dubose. (Johnson, Mary) (Entered: 08/03/2005)
08/06/2005	③35	NOTICE OF APPEAL by Maurice Dubose Filing fee \$ 255. Reason fee is not required: Defendant has been declared indigent NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/26/2005. (Watkins, Timothy) (Entered: 08/06/2005)